

Todd M. Friedman (SBN 216752)  
Adrian R. Bacon (SBN 280332)  
LAW OFFICES OF TODD M. FRIEDMAN, P.C.  
21550 Oxnard St., Suite 780  
Woodland Hills, CA 91367  
Phone: 323-306-4234  
Fax: 866-633-0228  
[tfriedman@toddfllaw.com](mailto:tfriedman@toddfllaw.com)  
[abacon@toddfllaw.com](mailto:abacon@toddfllaw.com)

Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**JEFFREY KATZ**, individually and on ) Case No.  
behalf of all others similarly situated, )

) **CLASS ACTION**  
Plaintiff, )

) **COMPLAINT FOR VIOLATIONS**  
vs. ) **OF:**

) 1. NEGLIGENT VIOLATIONS OF  
) THE TELEPHONE CONSUMER  
17 **MF BUSINESS DEVELOPMENT, a ) PROTECTION ACT [47 U.S.C.**  
business entity, form unknown, ) §227 ET SEQ.]  
18 **D/B/A OCCMED SEMINARS; ) 2. WILLFUL VIOLATIONS OF THE**  
DONNA MEEKS, DC; DANIEL ) TELEPHONE CONSUMER  
19 **FARRIS, DC; ) PROTECTION ACT [47 U.S.C.**  
20 **) §227 ET SEQ.]**

) **DEMAND FOR JURY TRIAL**  
Defendant(s). )  
)  
)

Plaintiff JEFFREY KATZ (hereinafter “Plaintiff”) on behalf of himself and  
all others similarly situated, alleges the following upon information and belief  
based upon personal knowledge:

**NATURE OF THE CASE**

1. Plaintiff brings this action for himself and others similarly situated

1 seeking damages and any other available legal or equitable remedies resulting from  
 2 the illegal actions of Defendants MF BUSINESS DEVELOPMENT, a business  
 3 entity, form unknown, D/B/A OCCMED SEMINARS; DONNA MEEKS, DC;  
 4 DANIEL FARRIS, DC (hereinafter referred to collectively as “Defendants”), in  
 5 negligently, knowingly, and/or willfully contacting Plaintiff via “telephone  
 6 facsimile machine” in violation of the Telephone Consumer Protection Act, 47.  
 7 *U.S.C. § 227 et seq.* (“TCPA”), thereby causing Plaintiff and all others similarly  
 8 situated to incur the costs of receiving unsolicited advertisement messages via  
 9 “telephone facsimile machines” and invading their privacy.

### 10 **JURISDICTION & VENUE**

11 2. Jurisdiction is proper under 28 *U.S.C. § 1332(d)(2)* because Plaintiff,  
 12 a resident of California, seeks relief on behalf of a Class, which will result in at  
 13 least one class member belonging to a different state than that of Defendants.  
 14 Plaintiff also seeks up to \$1,500.00 in damages for each call in violation of the  
 15 TCPA, which, when aggregated among a proposed class in the thousands, exceeds  
 16 the \$5,000,000.00 threshold for federal court jurisdiction. Therefore, both diversity  
 17 jurisdiction and the damages threshold under the Class Action Fairness Act of 2005  
 18 (“CAFA”) are present, and this Court has jurisdiction.

19 3. Venue is proper in the United States District Court for the Northern  
 20 District of California pursuant to 28 *U.S.C. § 1391(b)(2)* because Defendant does  
 21 business within the state of California and Plaintiff resides within this District.

### 22 **PARTIES**

23 4. Plaintiff Jeffrey Katz is a natural person residing in San Francisco  
 24 County, California and is a “person” as defined by 47 *U.S.C. § 153 (39)*.

25 5. Defendant MF BUSINESS DEVELOPMENT, a business entity, form  
 26 unknown, D/B/A OCCMED SEMINARS (hereinafter “MFBD”), is a business  
 27 organization, form unknown, based in California and offering education and  
 28

1 training for chiropractic practitioners throughout the United States, and is a  
2 “person” as defined by 47 U.S.C. § 153 (39).

3 6. Defendant DONNA MEEKS, DC (hereinafter “MEEKS”), is an  
4 individual who at all relevant times was the co-founder and principle of Defendant  
5 MFBD. As a principal of MFBD, MEEKS was responsible for the overall success  
6 of the company. MEEKS materially participated in promoting and marketing of  
7 MFBD’s seminars and services by occupying a position of critical importance to  
8 MFBD’s business. As co-founding partner and principal of MFBD, Defendant  
9 MEEKS is liable for the nefarious conduct engaged in by MFBD and its agents  
10 acting on MFBD’s behalf. MEEKS continued to play a key role in maintaining and  
11 expanding MFBD’s activities throughout the time in question.

12 7. Defendant DANIEL FARRIS, DC (hereinafter “FARRIS”), is an  
13 individual who at all relevant times was the co-founder and principle of Defendant  
14 MFBD. As a principal of MFBD, FARRIS was responsible for the overall success  
15 of the company. FARRIS materially participated in promoting and marketing of  
16 MFBD’s seminars and services by occupying a position of critical importance to  
17 MFBD’s business. As co-founding partner and principal of MFBD, Defendant  
18 FARRIS is liable for the nefarious conduct engaged in by MFBD and its agents  
19 acting on MFBD’s behalf. FARRIS continued to play a key role in maintaining and  
20 expanding MFBD’s activities throughout the time in question.

### 21 **FACTUAL ALLEGATIONS**

22 8. Beginning in or around July 2018, Defendants contacted Plaintiff on  
23 his telephone facsimile number ending in -3052, in an effort to sell or solicit their  
24 services.

25 9. Defendants contacted Plaintiff via facsimile from telephone numbers  
26 confirmed to belong to Defendants.

27 10. Defendants contacted Plaintiff via unsolicited facsimile messages on  
28 multiple occasions, including July 25, 2018, and September 19, 2018, in an effort

1 to solicit its business.

2 11. Defendants messages constituted “telephone solicitation” as defined  
3 by the TCPA, 47 U.S.C. § 227(a)(4) and “unsolicited advertisement” as defined by  
4 the TCPA, 47 U.S.C. § 227(a)(5).

5 12. Defendants used a “telephone facsimile machine” as defined by 47  
6 U.S.C. § 227(a)(3) to place its calls to Plaintiff seeking to sell or solicit its business  
7 services.

8 13. Defendant’s calls constituted calls that were not for emergency  
9 purposes as defined by 47 U.S.C. § 227(b)(1)(A).

10 14. Defendant’s calls were placed to telephone facsimile numbers  
11 assigned to a telephone service for which Plaintiff incurs a charge for incoming  
12 messages.

13 15. Plaintiff is not a customer of Defendant’s services and has never  
14 provided any personal information, including his telephone facsimile number(s), to  
15 Defendant for any purpose whatsoever. Accordingly, Defendant never received  
16 Plaintiff’s “prior express consent” to receive calls using a telephone facsimile  
17 machine pursuant to 47 U.S.C. § 227(b)(1)(C).

### 18 **CLASS ALLEGATIONS**

19 16. Plaintiff brings this action on behalf of himself and all others similarly  
20 situated, as a member of the proposed class (hereafter “The Class”) defined as  
21 follows:

22 All persons within the United States who received any  
23 telephone facsimile messages from Defendant to said  
24 person’s telephone facsimile number made through the  
25 use of any telephone facsimile machine and such person  
26 had not previously consented to receiving such messages

27 17. Plaintiff represents, and is a member of, The Class, consisting of All  
28 persons within the United States who received any telephone facsimile messages

1 from Defendant to said person's telephone facsimile number made through the use  
2 of any telephone facsimile machine and such person had not previously provided  
3 their telephone facsimile number to Defendant within the four years prior to the  
4 filing of this Complaint.

5 18. Defendants, its employees and agents are excluded from The Class.  
6 Plaintiff does not know the number of members in The Class, but believes the Class  
7 members number in the thousands, if not more. Thus, this matter should be certified  
8 as a Class Action to assist in the expeditious litigation of the matter.

9 19. The Class is so numerous that the individual joinder of all of its  
10 members is impractical. While the exact number and identities of The Class  
11 members are unknown to Plaintiff at this time and can only be ascertained through  
12 appropriate discovery, Plaintiff is informed and believes and thereon alleges that  
13 The Class includes thousands of members. Plaintiff alleges that The Class members  
14 may be ascertained by the records maintained by Defendants.

15 20. Plaintiff and members of The Class were harmed by the acts of  
16 Defendants in at least the following ways: Defendants illegally contacted Plaintiff  
17 and Class members via their telephone facsimile numbers thereby causing Plaintiff  
18 and Class members to incur certain charges or reduced telephone facsimile time for  
19 which Plaintiff and Class members had previously paid by having to retrieve or  
20 administer messages left by Defendants during those illegal calls, and invading the  
21 privacy of said Plaintiff and Class members.

22 21. Common questions of fact and law exist as to all members of The  
23 Class which predominate over any questions affecting only individual members of  
24 The Class. These common legal and factual questions, which do not vary between  
25 Class members, and which may be determined without reference to the individual  
26 circumstances of any Class members, include, but are not limited to, the following:

- 27 a. Whether, within the four years prior to the filing of this Complaint,  
28 Defendants sent telephone facsimile messages (other than for

emergency purposes or made with the prior express consent of the called party and with an opt-out notice contained in the messages) to a Class member using any telephone facsimile machine to any telephone number assigned to a telephone facsimile service;

- b. Whether Plaintiff and the Class members were damaged thereby, and the extent of damages for such violation; and
- c. Whether Defendants should be enjoined from engaging in such conduct in the future.

22. As a person who received numerous messages from Defendants using a telephone facsimile machine, without Plaintiff's prior express consent, Plaintiff is asserting claims that are typical of The Class.

23. Plaintiff will fairly and adequately protect the interests of the members of The Class. Plaintiff has retained attorneys experienced in the prosecution of class actions.

24. A class action is superior to other available methods of fair and efficient adjudication of this controversy, since individual litigation of the claims of all Class members is impracticable. Even if every Class member could afford individual litigation, the court system could not. It would be unduly burdensome to the courts in which individual litigation of numerous issues would proceed. Individualized litigation would also present the potential for varying, inconsistent, or contradictory judgments and would magnify the delay and expense to all parties and to the court system resulting from multiple trials of the same complex factual issues. By contrast, the conduct of this action as a class action presents fewer management difficulties, conserves the resources of the parties and of the court system, and protects the rights of each Class member.

25. The prosecution of separate actions by individual Class members would create a risk of adjudications with respect to them that would, as a practical matter, be dispositive of the interests of the other Class members not parties to such adjudications or that would substantially impair or impede the ability of such non-party Class members to protect their interests.

26. Defendants have acted or refused to act in respects generally applicable to The Class, thereby making appropriate final and injunctive relief with regard to the members of the California Class as a whole.

### **FIRST CAUSE OF ACTION**

#### **Negligent Violations of the Telephone Consumer Protection Act**

##### **47 U.S.C. §227 et seq.**

27. Plaintiff repeats and incorporates by reference into this cause of action the allegations set forth above.

28. The foregoing acts and omissions of Defendants constitute numerous and multiple negligent violations of the TCPA, including but not limited to each and every one of the above cited provisions of *47 U.S.C. § 227 et seq.*

29. As a result of Defendants' negligent violations of *47 U.S.C. § 227 et seq.*, Plaintiff and the Class Members are entitled an award of \$500.00 in statutory damages, for each and every violation, pursuant to *47 U.S.C. § 227(b)(3)(B)*.

30. Plaintiff and the Class members are also entitled to and seek injunctive relief prohibiting such conduct in the future.

### **SECOND CAUSE OF ACTION**

#### **Knowing and/or Willful Violations of the Telephone Consumer Protection Act**

##### **47 U.S.C. §227 et seq.**

31. Plaintiff repeats and incorporates by reference into this cause of action the allegations set forth above.

32. The foregoing acts and omissions of Defendants constitute numerous and multiple knowing and/or willful violations of the TCPA, including but not limited to each and every one of the above cited provisions of *47 U.S.C. § 227 et seq.*

33. As a result of Defendants' knowing and/or willful violations of *47 U.S.C. § 227 et seq.*, Plaintiff and the Class members are entitled an award of \$1,500.00 in statutory damages, for each and every violation, pursuant to *47 U.S.C.*



1 § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

2 34. Plaintiff and the Class members are also entitled to and seek  
3 injunctive relief prohibiting such conduct in the future.

4 **PRAYER FOR RELIEF**

5 WHEREFORE, Plaintiff requests judgment against Defendants for the following:

6 **FIRST CAUSE OF ACTION**

7 **Negligent Violations of the Telephone Consumer Protection Act**

8 **47 U.S.C. §227 et seq.**

- 9 • As a result of Defendants' negligent violations of 47 U.S.C.  
10 §227(b)(1), Plaintiff and the Class members are entitled to and  
11 request \$500 in statutory damages, for each and every violation,  
12 pursuant to 47 U.S.C. 227(b)(3)(B); and  
13 • Any and all other relief that the Court deems just and proper.

14 **SECOND CAUSE OF ACTION**

15 **Knowing and/or Willful Violations of the Telephone Consumer Protection Act**

16 **47 U.S.C. §227 et seq.**

- 17 • As a result of Defendants' willful and/or knowing violations of 47  
18 U.S.C. §227(b)(1), Plaintiff and the Class members are entitled to  
19 and request treble damages, as provided by statute, up to \$1,500, for  
20 each and every violation, pursuant to 47 U.S.C. §227(b)(3)(B) and 47  
21 U.S.C. §227(b)(3)(C); and  
22 • Any and all other relief that the Court deems just and proper.

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///



**JURY DEMAND**

35. Pursuant to the Seventh Amendment to the Constitution of the United States of America, Plaintiff reserves their right to a jury on all issues so triable.

Respectfully submitted this 19th day of August 2020.

LAW OFFICES OF TODD M. FRIEDMAN, P.C.

By: /s Todd M. Friedman

Todd M. Friedman

Law Offices of Todd M. Friedman

Attorney for Plaintiff